

Message Text

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PAGE 01 OTTAWA 04399 250038Z

61

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SUBJ: GOC STATEMENT AT THE INTERNATIONAL JOINT COMMISSION
HEARINGS ON THE GARRISON DIVERSION UNIT, NOVEMBER 20, 1975

FOLLOWING IS TEXT OF STATEMENT:

1. "THE GOVERNMENT OF CANADA IS MOST CONCERNED ABOUT THE
POTENTIAL ADVERSE EFFECTS OF THE GARRISON DIVERSION UNIT,
AS CURRENTLY ENVISAGED, ON WATERS CROSSING THE BOUNDARY INTO
CANADA. ON THE BASIS OF STUDIES CONDUCTED IN THE UNITED
STATES AND CANADA, THE GOVERNMENT OF CANADA, IN THE
CLOSEST COLLABORATION WITH THE GOVERNMENT OF MANITOBA, HAS
CONCLUDED THAT THIS PROJECT, AS NOW ENVISAGED, WOULD HAVE
ADVERSE EFFECTS ON THE CANADIAN PORTIONS OF THE SOURIS,
ASSINIBOINE AND RED RIVERS, AND ON LAKE WINNIPEG, WHICH
WOULD CAUSE INJURY TO HEALTH AND PROPERTY IN CANADA IN CON-
TRAVENTION OF ARTICLE IV OF THE BOUNDARY WATERS TREATY OF 1909.

2. "SINCE 1969, BY MEANS OF A SERIES OF DIPLOMATIC
NOTES AND MEETINGS, THE GOVERNMENT OF CANADA HAS BEEN
IN CONTINUING CONSULTATION WITH THE GOVERNMENT OF THE
UNITED STATES ON THE GARRISON DIVERSION UNIT AS IT
AFFECTS CANADA. IN A NOTE DATED FEBRUARY 5, 1974, THE
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PAGE 02 OTTAWA 04399 250038Z

GOVERNMENT OF THE UNITED STATES GAVE AN ASSURANCE THAT

"THE U.S. WILL COMPLY WITH ITS OBLIGATION TO CANADA NOT TO POLLUTE WATER CROSSING THE BOUNDARY TO THE INJURY OF HEALTH OR PROPERTY IN CANADA." THE NOTE FURTHER STATED THAT "NO CONSTRUCTION POTENTIALLY AFFECTING WATERS FLOWING INTO CANADA WILL BE UNDERTAKEN UNLESS IT IS CLEAR THAT THIS OBLIGATION WILL BE MET." THE GOVERNMENT OF THE UNITED STATES HAS SINCE REPEATED THIS ASSURANCE IN RESPONSE TO FURTHER EXPRESSIONS OF CONCERN BY CANADA IN MEETINGS OF CANADIAN AND UNITED STATES OFFICIALS.

3. "CANADIAN TECHNICAL STUDIES AND UNITED STATES STUDIES ON THE EFFECTS OF IRRIGATION RETURN FLOWS ON THE SOURIS RIVER IN CANADA HAVE LED THE GOVERNMENT OF CANADA TO CONCLUDE THAT THERE WILL BE INJURY TO HEALTH AND PROPERTY IN CANADA IF THE GARRISON PROJECT GOES FORWARD AS NOW PLANNED. DETAILED WATER QUALITY DATA ON THE PROJECT'S ANTICIPATED EFFECTS ON THE RED RIVER, DEVELOPED BY THE UNITED STATES, HAVE RECENTLY BEEN MADE AVAILABLE TO CANADIAN OFFICIALS. CANADIAN AUTHORITIES HAVE NOT YET HAD AN OPPORTUNITY TO EXAMINE THESE DATA IN DEPTH IN ORDER TO DETERMINE THE EXTENT OF THE ADVERSE EFFECTS THAT THIS PROJECT MIGHT HAVE ON THE WATER QUALITY OF THE RED RIVER IN CANADA. IT SHOULD ALSO BE NOTED THAT THE GOVERNMENT OF CANADA IS CONCERNED ABOUT THE POTENTIAL ADVERSE EFFECTS OF THE INTRODUCTION OF FOREIGN BIOTA THROUGH AN INTER BASIN TRANSFER OF WATERS SUCH AS THE PROPOSAL TO TRANSFER MISSOURI RIVER WATER INTO THE RED RIVER SYSTEM. THE POTENTIAL FOR INCREASED FLOODING IN CANADA RESULTING FROM THE PROJECT IS A MATTER OF FURTHER AND SIGNIFICANT CONCERN. IN OUTLINING THESE CONCERNS TO YOU, I WISH TO STRESS THAT THE GOVERNMENT OF CANADA HAS WORKED IN CLOSE CONSULTATION WITH THE GOVERNMENT OF MANITOBA.

4. "AT THIS POINT, I WOULD LIKE THE COMMISSION TO HEAR THE TESTIMONY OF TWO ENVIRONMENT CANADA EXPERTS CONCERNING THE ADVERSE EFFECTS THAT THE GOVERNMENT OF CANADA HAS CONCLUDED WILL RESULT IF THE GARRISON PROJECT, AS CURRENTLY ENVISAGED, IS COMPLETED AND PUT INTO OPERATION.

5. "AS YOU ARE AWARE, THESE HEARINGS ARE BEING HELD AS A RESULT OF AN AGREEMENT BETWEEN THE GOVERNMENTS OF CANADA

UNCLASSIFIED

PAGE 03 OTTAWA 04399 250038Z

AND THE UNITED STATES TO REQUEST THE INTERNATIONAL JOINT COMMISSION TO EXAMINE THE TRANSBOUNDARY IMPLICATIONS OF THE GARRISON PROJECT AND TO MAKE RECOMMENDATIONS AS TO SUCH MEASURE AS MIGHT BE TAKEN TO ASSIST GOVERNMENTS IN ENSURING THAT THE PROVISIONS OF ARTICLE IV OF THE BOUNDARY WATERS TREATY ARE HONOURED. THE KEY TO THE COMMISSION'S MANDATE IN COMPLETING THIS TASK IS FOUND IN PARAGRAPH 4 OF THE REFERENCE.

6. "THE COMMISSION WILL ITSELF HAVE TO DECIDE THE EXTENT TO WHICH THE PROJECT AS CONCEIVED AT PRESENT WILL CAUSE INJURY TO HEALTH OR PROPERTY IN CANADA. IN THIS CONTEXT, IT WAS THE CANADIAN GOVERNMENT'S INTENTION THAT THE TERMS OF REFERENCE BE BROAD ENOUGH TO ENABLE THE COMMISSION TO RECOMMEND, INTER ALIA, AND DEPENDING ON ITS FINDINGS, THE DISCONTINUANCE OF ANY OR ALL FEATURES OF THE GARRISON PROJECT WHICH WOULD RESULT IN A VIOLATION OF THE BOUNDARY WATERS TREATY. ALTHOUGH IT IS UNDERSTOOD THAT CONSIDERATION IS BEING GIVEN IN THE UNITED STATES TO ALTERNATIVES TO THOSE ASPECTS OF THE GARRISON PROJECT THAT WOULD ADVERSELY AFFECT CANADA, THE GOVERNMENT OF CANADA HAS NOT YET BEEN OFFICIALLY INFORMED OF THESE ALTERNATIVES.

7. "THE INTERNATIONAL JOINT COMMISSION IS AN INDEPENDENT AND IMPARTIAL BODY WITH A LONG HISTORY OF ASSISTANCE TO THE CANADIAN AND UNITED STATES GOVERNMENTS IN RESOLVING TRANS-BOUNDARY PROBLEMS. WE ARE CONFIDENT THAT ITS RECOMMENDATION WILL BE MOST HELPFUL TO BOTH CANADA AND THE UNITED STATES IN THE PRESENT TASK OF ENSURING THAT THE PROVISIONS OF THE BOUNDARY WATERS TREATY ARE FULLY HONOURED.

8. "IN CLOSING, I WOULD LIKE TO SUBMIT FOR THE STUDY OF THE COMMISSION TECHNICAL PAPERS BY CANADIAN OFFICIALS ON THE GARRISON PROJECT. IN VIEW OF THE EARLY DEADLINE FOR THE COMMISSION'S REPORT SET IN THE REFERENCE, THE COMMISSION MIGHT FIND SUCH INFORMATION AND TECHNICAL DATA USEFUL FOR THE CONDUCT OF ITS INVESTIGATION AND THE PREPARATION OF ITS REPORT."

JOHNSON

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